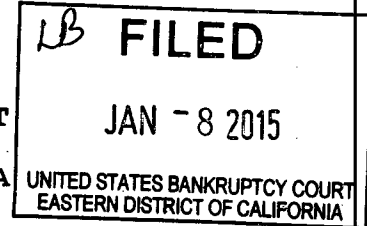


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA



In re:)	Case No. 10-16183-A-7
)	
SALMA H. AGHA,)	Adversary No. 14-01155
)	
Debtor(s).)	
)	
SALMA H. AGHA, an individual,)	
)	
Plaintiff(s),)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendant(s).)	

**RECOMMENDATION BY CHIEF BANKRUPTCY JUDGE
THAT REFERENCE BE WITHDRAWN PURSUANT TO 28 U.S.C. § 157(d)**

The existence of the Complaint in Agha v. United States, et al., Adversary Proceeding No. 14-01155, filed Dec. 31, 2014, has been brought to the attention of the undersigned for guidance as to administration in his capacity as Chief Bankruptcy Judge.

Upon review of the Complaint, and without intimating any view as to the merits of the factual assertions or legal theories asserted in the Complaint, it appears that the most appropriate judicial officer to preside over the action would be a United States District Judge vested with full authority to exercise the Judicial Power of the United States pursuant to Article III of the United States Constitution.

The matter is pending in the United States Bankruptcy Court

1 by virtue of the standing Order of Reference of the District
2 Court issued pursuant to 28 U.S.C. § 157(a) referring to the
3 Bankruptcy Judges of the district all cases under title 11 and
4 all proceedings arising under title 11 or arising in or related
5 to title 11. The plaintiff is the debtor in In re Salma H. Agha,
6 Chapter 7 Case No. 10-16183, U.S. Bankruptcy Court, E.D. Cal.

7 The United States District Court has the power to withdraw
8 the reference pursuant to 28 U.S.C. § 157(d): "The district
9 court may withdraw, in whole or in part, any case or proceeding
10 referred under this section, on its own motion or on timely
11 motion of any party, for cause shown." 28 U.S.C. § 157(d) (first
12 sentence).

13 The 89-page Complaint names as defendants, among others, the
14 United States and approximately sixty other parties, including
15 sitting judicial officers, attorneys in the U.S. Department of
16 Justice, the chapter 7 trustee, private sector attorneys and law
17 firms, real estate professionals and real estate firms, and
18 banking institutions.

19 The legal theories invoked in the 89-page Complaint are
20 asserted under titles 18 and 42 of the United States Code (in
21 addition to a count for violation of the bankruptcy automatic
22 stay under 11 U.S.C. § 362), various California state statutes,
23 and other nonstatutory theories.

24 The demand for relief seeks, among other relief, restoration
25 to plaintiff of her residence and a limited liability company in
26 which she claims an interest, restoration to plaintiff of control
27 of a lawsuit in a state court, and compensatory and punitive
28 damages of \$100 million.

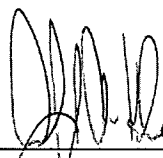
1 While intimating no view as to the merits of the Complaint,
2 it is apparent that the authority of a Bankruptcy Judge to render
3 a final judgment does not extend to, at least, some of the causes
4 of action, because a Bankruptcy Judge is not appointed pursuant
5 to Article III of the United States Constitution. In contrast,
6 there is no doubt that a District Judge, who is appointed under
7 Article III, does exercise the full Judicial Power of the United
8 States.

9 Since the Complaint invokes theories and seeks relief that
10 would (if within federal jurisdiction and if meritorious)
11 necessitate the exercise of the full Judicial Power of the United
12 States, it follows that the presiding judicial officer should be
13 a United States District Judge.

14 Accordingly, it is submitted that "cause" within the meaning
15 of 28 U.S.C. § 157(d) exists to withdraw the reference.

16 It is RECOMMENDED that the reference of Agha v. United
17 States, et al., Adversary Proceeding No. 14-01155, filed Dec. 31,
18 2014, be withdrawn.

19 Dated: January 08, 2015

20
21
22 
United States Bankruptcy Judge

**INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Salma H. Agha
6 Windwood
Irvine CA 92604

Salma H. Agha
10001 Venice Blvd. #402
Los Angeles, CA 90034

Salma H. Agha
11622 Harrington St.
Bakersfield, CA 93311